

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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AMERICAN EXPRESS FINANCIAL  
ADVISORS, INC.,

Plaintiff,

v.

NEIL H. GENDREAU,

Defendant.

**Civil Action No.**

**04-40221**

FILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

2004 OCT 27 P 3:02

**MOTION FOR EXPEDITED HEARING ON PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTIVE RELIEF**

The plaintiff American Express Financial Advisors, Inc. ("American Express"), respectfully requests that the Court schedule a hearing on its Motion for a Preliminary Injunction on the earliest date available to the Court during the week of November 1, 2004. In support of this Motion, the plaintiff states as follows:

1. American Express has filed a Motion for a Preliminary Injunction seeking to restrain defendant Neil H. Gendreau from further violating the terms of a Franchise Agreement. More specifically, defendant, who terminated his franchise relationship with American Express, continues to: a) retain all client files; b) use American Express' signs; c) use American Express' confidential information; and d) use American Express' telephone number and facsimile number.

2. American Express will suffer irreparable harm if defendant is not restrained from engaging in the aforementioned conduct, and it is imperative that this matter be brought to hearing as soon as possible.

WHEREFORE, the plaintiff American Express Financial Advisors, Inc. respectfully requests that the Court schedule an expedited hearing on its Motion for a Preliminary Injunction.

**LOCAL RULE 7.1 CERTIFICATE**

The undersigned counsel was unable to confer with opposing counsel on the subject of this motion as no counsel has yet entered an appearance for the defendants.

Respectfully submitted,  
AMERICAN EXPRESS FINANCIAL  
ADVISORS, INC.

By its attorneys,

  
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